



Fair Political Practices Commission

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NEWS RELEASE

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Key element of complex conflict rules on FPPC's Thursday agenda

Commission begins process to examine 'public generally' exception

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As part of continuing efforts to streamline and simplify the complex conflict-of-interest rules governing the conduct of public officials, the Fair Political Practices Commission will begin an examination of a key component of the conflict rules – the so-called “public generally” exception – at its monthly meeting this **Thursday, June 5**.

The Political Reform Act prohibits a public official from “making, participating in making or otherwise using his or her official position to influence a governmental decision” in which that official has a financial interest. If it is “reasonably foreseeable” the decision will have a material financial effect on that official, which differs from its effect “on the public generally,” then the official is deemed to have a conflict and must abstain from voting.

The need to clarify the exception has recently been raised by officials in San Diego County who are considering a new county general plan. Other public officials have also expressed concern about the application of the “public generally” exception in the context of general-plan adoptions and amendments.

Also under consideration will be codification of the “segmentation” rule – long-standing commission advice that allows a public official with a conflict of interest to participate in aspects of the decision in which he or she does not have a conflict.

The meeting begins at 9:30 a.m. in the FPPC's eighth-floor hearing room at 428 J St. (Fifth and J Streets) in Sacramento. The agenda is attached, or available on the FPPC Web site at www.fppc.ca.gov. You can click on each agenda item to obtain memoranda and other information, as well as proposed stipulations in enforcement actions. Written comments received after the agenda is posted on the Web site are noted at the top of the agenda.

Discussion of the proposed conflicts rules is scheduled as **agenda item #5**, and is addressed in three separate staff memoranda:

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- **Overview of ‘Public Generally’ Regulations as Applied to General Plan Decisions.** This staff memorandum provides an overview of general-plan laws, summarizes staff advice in this area and pertinent regulations, and discusses all approaches considered by staff to address the issues raised by members of the public.
- **Pre-notice Discussion: Adoption or Amendment to Conflict-of-Interest Regulations (General Plan Decisions).** This staff memorandum describes three possible regulatory approaches addressing the application of the “public generally” exception to general-plan decisions.
- **Pre-notice Discussion of Proposed Regulation 18702.6 - Segmentation Rules.** This staff memorandum addresses a proposed regulation to codify the "segmentation process" referred to in FPPC advice letters. The proposed regulation formalizes long-standing commission advice regarding how a public official with a conflict of interest involving a particular governmental decision, can separate that decision from other related decisions in which he or she is permitted to participate.

In other business at Thursday’s meeting, the commission will consider regulations on the following issues:

- **Committee Termination.** The commission will consider proposed amendments to a regulation governing extensions of time to terminate old campaign committees as the first major deadline for termination approached (**agenda item #3**).
- **Surplus Funds.** The commission will hold a “pre-notice” (not for final adoption) discussion of a proposed regulation to formalize staff advice and clarify limitations on the expenditure of surplus campaign funds (**agenda item #4**).

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